

REMARKS/ARGUMENTS

Applicant graciously appreciates the Office's attention to the instant application.

5 Objected to But Otherwise Allowable Subject Matter

Applicant graciously appreciates the Office's indication of allowable subject matter as recited in claims 13, 14 and 16, conditioned upon Applicant overcoming the rejections under 35 USC §112.

10 Objections to the Drawings

Applicant respectfully requests reconsideration of the objection to the drawings. The Office states that shading is required to represent "punched metal material, polymer potted material, die casting material, and sand casting material". These materials are recited in claim 8: *"wherein the cartridge housing (2, 3) is made of punched metal, any polymer potted material, any die casting material or any sand casting material"*. Applicant submits that housing components 2 and 3 are shown clearly in Figs. 1, 2 and 3 and that representing these with shading to specifically account for the individual materials listed in claim 8 would be overly burdensome and require four additional drawings.

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Claim Rejections under 35 USC §112

The Office objects to claim 1 under 35 USC §112, ¶1 as failing to comply with the written description requirement thereof. Specifically, the Office contends that the recitation of "one of the bottom portions forming part of a fixed encapsulation barrier between the stator and the compressor wheel", per a prior amendment, introduces new matter.

25 The Office also objects to claim 1 under 35 USC §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

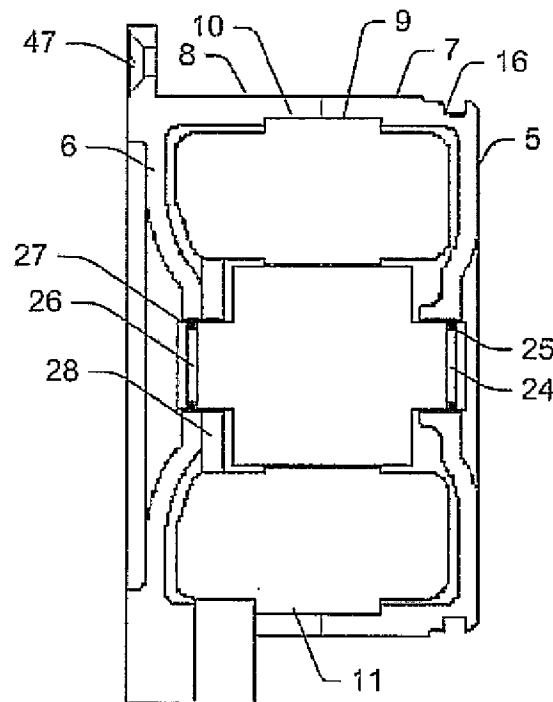
30 The Office states:

(i) "it is not clear that how can one of the bottom portions form part of a fixed encapsulation barrier?";

(ii) "How is the encapsulation barrier to be fixed?"; and

(iii) "Applicant is required to clarify the part of the bottom portion to be formed as a fixed encapsulation barrier between the stator and the compressor wheel".

Applicant clarifies with reference to Fig. 3, which is reproduced below:



At page 4, lines 1-4, the instant application states: "each cartridge housing portion of the electric motor cartridge has a semi-shell shape substantially comprised by a bottom portion and a cylindrical wall portion". In Fig. 3, a first cartridge housing portion 2 (see, e.g., item 2 of Fig. 2) includes a bottom portion 5 and a cylindrical wall portion 7 while a second cartridge housing portion 3 (see, e.g., item 3 of Fig. 2) includes a bottom portion 6 and a cylindrical wall portion 8.

As for a “fixed encapsulation barrier”, in the prior Response (April 11, 2008), Applicant pointed to support for the terms “encapsulating” and “encapsulation”:

5 With respect to the term “encapsulating”, Applicant directs the
Office to page 6, lines 25-34, where the “concept of having a
cartridge for the electric motor to be assembled to the
turbocharger or EDC type compressor provides an encapsulation
of the electric motor that protects it from oil and water” (emphasis
added). Applicant notes that the term “encapsulating” is now
10 associated with the adjectives “radially” and “axially”. Hence, the
cartridge radially and axially encapsulates a stator.
Applicant also refers the Office to page 9, lines 16-19 of the
instant application: “Thus, as described above, the electric motor
cartridge is assembled without being mounted to the turbocharger.
15 That means, the electric motor cartridge can be produced in a
separate process for being mounted later to the turbocharger.”

Applicant now points to support for the term “fixed”. At page 4, line 33 to
page 5, line 2, the instant application states:

20 Additionally at least one contact area can be formed at each of the
cartridge housing portions so as to be in contact with respective
counter contact areas of two housings between which the
cartridge is fittable. Thus an appropriate engagement of the
cartridge between two housing portions is ensured without the
25 need of further means for fixing the cartridge.

At page 7, lines 5-8, the instant application states:

the electric motor is accommodated in the motor housing such
that the compressor motor is firmly fixed by connecting the motor
30 housing to the compressor housing.

Given the foregoing evidence, Applicant submits that the cartridge
housing portions (2, 3) form a fixed encapsulation barrier for the stator (4) (e.g.,
an encapsulation of the electric motor that protects it from oil and water”).

35 Applicant notes that the term “encapsulating” is now associated with the
adjectives “radially” and “axially”. Hence, the cartridge radially and axially
encapsulates a stator. Further, Applicant submits that the bottom portion (6) is

part of the fixed encapsulation barrier. Yet further, Applicant submits that **the bottom portion (6) forms a part of the fixed encapsulation barrier, a part that is between the stator (4) and a compressor wheel to be driven by the assembled electric motor cartridge (1).**

5 Claim 1 recites: "*wherein each cartridge housing portion (2, 3) has a semi-shell shape substantially comprised by a bottom portion (5, 6) and a cylindrical wall portion (7, 8)*". Applicant submits that is portion of claim 1 is fully supported by the specification and drawings.

10 Claim 1 also recites: "*wherein one of the bottom portions (6) forms part of a fixed encapsulation barrier between the stator (4) and a compressor wheel to be driven by the assembled electric motor cartridge (1)*". Applicant submits that this portion of claim 1 is fully supported by the specification and drawings.

Rejections under §102 and §103

15 The Office sets for the following rejections in the Final OA of June 16, 2008:

- a) Claims 1-6, 11-12 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Frister (USPN 4,253,031);
- b) Claim 8 rejected under 35 U.S.C. 103(a) as being obvious over
20 Frister in view of either Osborn (USPN 4,521,155) or Ikeno (JP 07-147750 A);
- c) Claims 8-9 rejected under 35 U.S.C. 103(a) as being obvious over Frister in view of Horne (USPN 4,342,929);
- d) Claim 10 rejected under 35 U.S.C. 103(a) as being obvious over Frister in view of Wang (USPN 5,789,841); and
- 25 e) Claim 15 rejected under 35 U.S.C. 103(a) as being obvious over Frister in view of either Akiyama (USPN 5,306,997) or Kawamura (USPN 4,850,193).

Applicant submits that all rejections rely on the Frister reference.

Frister Reference – No Encapsulation, Teaches Gaps and Oil Feeds

As argued below, with citation to object evidence of record, the Frister reference components 12 and 13 do not encapsulate because (i) there is a gap between them that exposes the lamella 11b and (ii) because there are numerous lubricant feeds in components 12 and 13 that provide lubricant oil to the rotor space (via lubricant ducts 7).

As set forth in the prior response, page 6, lines 25-34 of the instant application states: the “concept of having a cartridge for the electric motor to be assembled to the turbocharger or EDC type compressor provides an encapsulation of the electric motor that protects it from oil and water” (emphasis added).

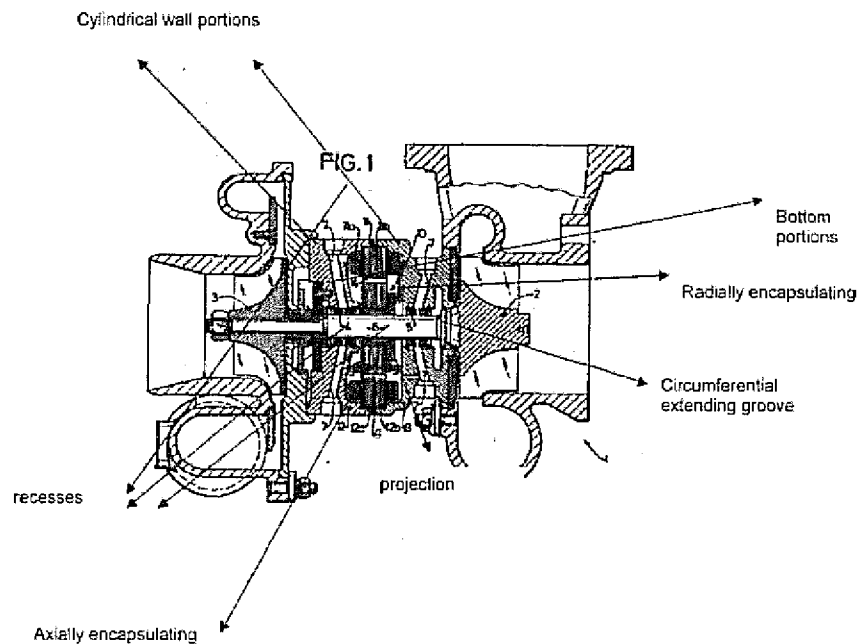
The Frister reference purposefully avoids encapsulation of the rotor 9 by the two halves 12 and 13 as they do not join and thereby form a gap that exposes the lamella 11b. Further, in the system of Fig. 1 of the Frister reference, lubricant ducts 7 exist in both of the halves 12 and 13, which provides lubricant oil to the rotor space. Hence, the rotor space is not protected from oil, instead it is purposefully exposed to oil.

On page 14, item 3, of the pending Final Office Action, the Office states:

In response to the Applicant's arguments, applicant states that, Frister does not disclose or suggest an assembled cartridge formed by two portions that radially and axially encapsulate a stator there between.

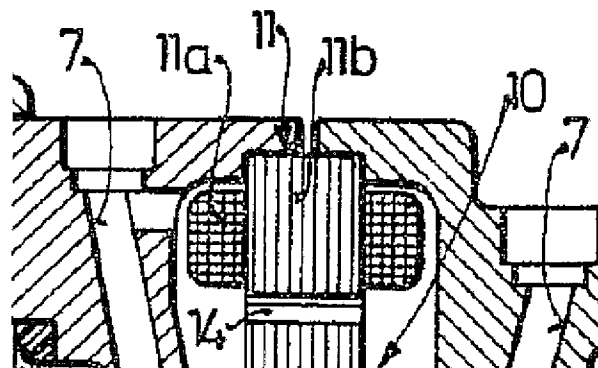
The examiner respectfully disagrees, since Frister does disclose a stator is radially and axially encapsulated there between an assembled cartridge formed by two portions, which is shown in attached Figure 1.

To facilitate review, Applicant presents Figure 1 of the Frister reference below, as labeled by the Office:



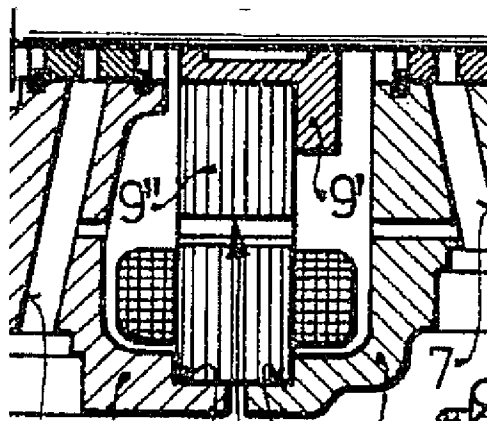
No Encapsulation Due to Gaps (lamellae 11b)

- 5 Applicant contends that the housing portions 12 and 13 of the Frister reference **do not “encapsulate” the electric motor components as there is a gap between these two portions.** In other words, the housing portions 12 and 13 do not encapsulate the electric motor components as **the gap exposes the lamellae 11b.** As the gap and the lamellae 11b are difficult to discern,
- 10 Applicant reproduces an enlarged portion of Fig. 1 of the Frister reference below:



Lubricant Oil Feeds (via ducts 7) to Rotor

Yet further, Applicant points to the lubricant feeds to the rotor space via lubricant ducts 7 disposed in components 12 and 13, one of which is shown in
5 component 12 above near the point 11a (above) and other lubricant feeds to the stator space via lubricant ducts 7 are shown below (in another enlarged portion of Fig. 1 of the Frister reference) disposed in components 12 and 13:



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Standard: Anticipation

Per MPEP §2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

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Response to Rejection of Claims 1-6, 11-12 and 17-19

Frister Rejection of Claim 1

As discussed above, the housing portions 12 and 13 of the Frister reference do not couple together, instead an electric motor component
20 (lamellae 11b) couples these portions. As such, the housing portions 12 and 13 do not radially and axially encapsulate a stator there between. Yet further, the lubricant ducts 7 in the components 12 and 13 provide lubricant oil to the rotor space.

In contrast, claim 1 recites an assembled cartridge formed by two portions that radially and axially encapsulate a stator there between as shown in Fig. 1 of the instant application. Further, claim 1 recites that the assembled cartridge is configured for insertion into a housing (see housing 31 of Fig. 1 of the instant application). In contrast, the housing portions 12 and 13 of the Frister reference are part of a housing. The Frister reference provides insufficient evidence to disclose, teach or suggest an assembled cartridge for electrical motor components – particularly, an assembled cartridge that can be a standalone assembly that encapsulates a stator.

Claims 2-6, 11-12 and 17-19

As the claims 2-6, 11-12 and 17-19 depend on claim 1, Applicant submits that they are not anticipated by the Frister reference for at least the same reasons as claim 1.

Standard: Obviousness

Per MPEP §2141.02: “A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention”.

Per MPEP §2143.01: “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification”.

Response to Rejection of Claims 8-10 and 15

All of the obviousness rejections rely on the Frister reference, which has been discussed above. Based on the foregoing discussion, Applicant finds evidence in the Frister reference that teaches away from the subject matter of claims 8-10 and 15 and also finds that modification of the Frister reference by closing off the lubricant feeds to thereby “encapsulate” the rotor 9, would likely render the system of the Frister reference unsatisfactory for its intended

purpose. In other words, if the system of the Frister reference relies on lubricant oil being fed to the rotor 9, as shown in Fig. 1, then "encapsulation" of the rotor to protect it from oil is not to the contrary.

Based on the evidence of record, Applicant submits that claims 8-10 and
5 15 are patentable over the Frister reference and the other cited references record (see listing of rejections (b) to (e)) for at least the foregoing reasons.

Additional Evidence of Record: Piston Rings 25 and 27 (Figs. 1 and 3)

As additional evidence to support Applicant's argument as to
10 encapsulation to protect the stator from oil, Applicant respectfully directs the Office to the instant application at page 10, lines 15-19:

The piston rings 25 and 27 tightly close the gaps between the first
and second portions 22 and 23 of the rotor 21 and the inner
peripheral faces of the openings 12, 13 in the respective cartridge
15 housings 2, 3.

This evidence demonstrates how piston rings 25 and 27 "tightly close the gaps" at the openings 12, 13 of the "clamshell" cartridge housing portions 2, 3. Applicant submits that such an approach is counter to that of Fig. 1 of the
20 Frister reference, which supplies lubricant oil to the rotor 9.

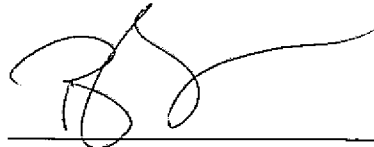
Conclusion

Pending claims 1-6 and 8-19 are believed to be in condition for allowance. Applicant respectfully requests entry of this Amendment,
25 reconsideration of the Office's telephonically communicated position and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
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